



**TENNESSEE UNDERGROUND UTILITY DAMAGE ENFORCEMENT BOARD
EXECUTIVE COMMITTEE MEETING
Meeting on July 15, 2020**

MINUTES

The Executive Committee meeting of the Tennessee Underground Utility Damage Enforcement Board commenced at 10:00 a.m., via WebEx Telephonic Conferencing per Executive Order No. 16 which permits an electronic meeting without a physical quorum in order to accomplish necessary business for the public health and safety of Tennesseans.

Executive Committee Members Present:

Wayne Hastings, Vice Chairman
Bobby Pitts
Steve Raper

TPUC Staff Present:

Aaron Conklin, Legal Advisor to the TPUC staff
Ryan McGehee, Legal Advisor to the TUUDEB
Slayde Warren
Stacy Balthrop
Monique Brazelton

Also Present:

Bill Turner
Craig Ingram

Roll Call & Minutes:

Mr. Ryan McGehee opened the meeting and took roll call which confirmed Vice Chairman Wayne Hastings, Mr. Bobby Pitts, and Mr. Steve Raper as present. The Committee considered the Minutes of the meeting of June 17, 2020. A motion to approve the Minutes by Mr. Raper was seconded by Mr. Pitts and approved unanimously. Three members voting on this motion, the motion carries 3-0.

Presentation of Investigation of Complaints:

The Committee heard and ruled on the following complaints:

EB20-0026-

Alleged Violator: Martin Contracting
Alleged Excavator: Unknown
Complainant: USIC
Facility Type: Gas
Equipment: Unknown
Root Cause: Reporting a false emergency for a locate ticket
Finding: In violation for reporting a false emergency and Chris Cross ordered to attend compliance training.

EB20-0030-

Alleged Violator: Unknown
Alleged Excavator: Unknown
Complainant: Boyle Investment Company
Facility Type: Sewer
Equipment: Unknown
Root Cause: Unknown
Finding: Administratively closed

EB20-0033-

Alleged Violator: Ann Gilbert
Alleged Excavator: Ann Gilbert
Complainant: USIC
Facility Type: Unknown
Equipment: Unknown
Root Cause: Reporting a false emergency for a locate ticket
Finding: Administratively closed

EB20-0037-

Alleged Violator: Protech Electric
Alleged Excavator: Lon Wisheart
Complainant: Atmos Energy
Facility Type: Gas
Equipment: Backhoe
Root Cause: No notification made to Tennessee 811
Finding: In violation for failure to give notice prior to excavation and Lon Wisheart ordered to attend compliance training.

EB20-0038-

Alleged Violator: H2L Outdoor Solutions
Alleged Excavator: Eusebio Maejia
Complainant: Horton Highway Utility District
Facility Type: Gas
Equipment: Trencher
Root Cause: Failure to use reasonable care within tolerance zone

Finding: In violation for failure to use reasonable care within tolerance zone, Eusebio Maejia and Chris Herrington ordered to attend compliance training, and a civil penalty of \$625 is assessed for subsequent violation.

EB20-0040-

Alleged Violator: Scott's Backhoe

Alleged Excavator: Clint Phillips

Complainant: Clarksville Gas

Facility Type: Gas

Equipment: Backhoe

Root Cause: No notification made to Tennessee 811

Finding: In violation for failure to give notice prior to excavation and Clint Phillips ordered to attend compliance training.

EB020-0041-

Alleged Violator: Scott's Backhoe

Alleged Excavator: Clint Phillips

Complainant: Clarksville Gas

Facility Type: Gas

Equipment: Backhoe

Root Cause: No notification made to Tennessee 811

Finding: In violation for failure to give notice prior to excavation and a civil penalty of \$625 is assessed for subsequent violation.

EB20-0042-

Alleged Violator: Acadia Landscape

Alleged Excavator: Savannah Moore

Complainant: USIC

Facility Type: Unknown

Equipment: Unknown

Root Cause: Reporting a false emergency for a locate ticket

Finding: In violation for reporting a false emergency and Savannah Moore ordered to attend compliance training.

EB20-0044-

Alleged Violator: Midsouth Utility Group

Alleged Excavator: Unknown

Complainant: Homeowner

Facility Type: Water

Equipment: Unknown

Root Cause: Reporting a false emergency for a locate ticket

Finding: No violation

EB20-0046-

Alleged Violator: Dupree Plumbing

Alleged Excavator: Danny Gaines

Complainant: Chattanooga Gas

Facility Type: Gas

Equipment: Unknown

Root Cause: Excavating beyond 15-day expiration of a locate ticket

Finding: In violation for excavating beyond the 15-day expiration of a locate ticket and Danny Gaines ordered to attend compliance training.

EB20-0050-

Alleged Violator: Metro Sewer & Drain
Alleged Excavator: Tyler Whaley
Complainant: USIC
Facility Type: Gas
Equipment: Mini Excavator
Root Cause: Failure to reasonable care in the tolerance zone
Finding: No violation

EB20-0051-

Alleged Violator: Leffew Dirt Works
Alleged Excavator: Rick Burkhart
Complainant: USIC
Facility Type: Unknown
Equipment: Unknown
Root Cause: Reporting a false emergency for a locate ticket
Finding: No violation

EB20-0053-

Alleged Violator: Volunteer Concrete Pumping and Masonry
Alleged Excavator: Kenneth Hurst
Complainant: USIC
Facility Type: Unknown
Equipment: Unknown
Root Cause: Reporting a false emergency for a locate ticket
Finding: No violation

EB20-0054-

Alleged Violator: Metro Drain & Sewer
Alleged Excavator: Tyler Whaley
Complainant: Chattanooga Gas
Facility Type: Gas
Equipment: Mini excavator
Root Cause: Failure to reasonable care in the tolerance zone
Finding: No violation

EB20-0056-

Alleged Violator: RD Construction
Alleged Excavator: Dan Worthington
Complainant: USIC
Facility Type: Unknown
Equipment: Unknown
Root Cause: Reporting a false emergency for a locate ticket
Finding: No violation

EB20-0067-

Alleged Violator: Nitzche Communications

Alleged Excavator: Marvin Middleton
Complainant: Knoxville Utility Board
Facility Type: Gas
Equipment: Directional Drill
Root Cause: Failure to reasonable care in the tolerance zone
Finding: In violation for failure to use reasonable care in the safety zone, Marvin Middleton ordered to attend compliance training, and a civil penalty of \$625 is assessed for subsequent violation.

EB20-0076-

Alleged Violator: Chris Haggard Plumbing
Alleged Excavator: Chris Haggard
Complainant: USIC
Facility Type: Electric
Equipment: Unknown
Root Cause: Reporting a false emergency for a locate ticket
Finding: No violation¹

EB20-0077-

Alleged Violator: Chris Haggard Plumbing
Alleged Excavator: Chris Haggard
Complainant: USIC
Facility Type: Electric
Equipment: Unknown
Root Cause: Reporting a false emergency for a locate ticket
Finding: No violation

EB20-0078-

Alleged Violator: Chris Haggard Plumbing
Alleged Excavator: Chris Haggard
Complainant: USIC
Facility Type: Unknown
Equipment: Unknown
Root Cause: Reporting a false emergency for a locate ticket
Finding: No violation

EB20-0098-

Alleged Violator: Nicholas Construction
Alleged Excavator: Unknown
Complainant: Clarksville Gas and Water
Facility Type: Water
Equipment: Mini excavator
Root Cause: Excavating beyond 15-day expiration of a locate ticket
Finding: In violation for excavating beyond the 15-day expiration of a locate ticket and Nick Liverett ordered to attend compliance training.

¹ Executive Committee Member Mr. Bobby Pitts expressed that the operator employing Chris Haggard Plumbing should be encouraged to review the emergency related provisions of the Tenn. Code Ann. 65-31-101, *et seq.* to ensure their scheduling practicing do not result in future violations.

EB20-0100-

Alleged Violator: Proctor & Graves
Alleged Excavator: Jerrod Waffird
Complainant: Atmos Energy
Facility Type: Gas
Equipment: Trencher
Root Cause: Failure to reasonable care in the tolerance zone
Finding: No violation

EB20-0103-

Alleged Violator: Landscape Solution
Alleged Excavator: Darren Lloyd
Complainant: USIC
Facility Type: Unknown
Equipment: Unknown
Root Cause: Reporting a false emergency for a locate ticket
Finding: No violation

EB20-0065, EB20-0066, EB20-0068, EB20-0070, EB20-0072, EB20-0073, EB20-0079, EB20-0081, and EB20-0083-

Alleged Violator: First Violation
Root Cause: Failure to notify Tennessee 811
Finding: In violation for failure to give notice prior to excavation and training is to be assessed to violators identified by Commission Investigatory Staff.

Update of Training Program by Tennessee 811

Mr. Turner reported that for 2020 year to date, 49 individuals from 45 organizations were trained with 25 more individuals scheduled for training. Since the approval was received 16 individuals have completed the online training and more are scheduled. The online trainings have been scheduled twice a month instead of the once a month that was feasible for in person trainings. When given the choice, individuals are selecting to do the online trainings instead of in person trainings.

Discussion of future topics for next executive committee meeting.

An election for Seats A and B on the Executive Committee will take place at the next board meeting.

The number of complaints for the upcoming August 12th meeting was discussed.

The Executive Committee meeting adjourned at 11:03 a.m.